

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X **Docket#**
UNITED STATES OF AMERICA, : 15-cr-348 (ERK) (VMS)
: :
- versus - : U.S. Courthouse
RENDON-REYES, : Brooklyn, NY
Defendant : : April 20, 2017
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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1 THE CLERK: Criminal Cause for hearing, docket:
2 15-cr-348 United States of America v Rendon-Reyes.

3 Spanish Interpreter, Rosa Olivera, previously
4 sworn.

5 Counsel, can you state your name for the
6 record.

7 MS. MERKL: Taryn Merkl and Maggie Lee, for the
8 United States. Good afternoon, your Honor.

9 THE COURT: Good afternoon.

10 MR. EPSTEIN: Lloyd Epstein, for Mr. Rendon-
11 Reyes. Good afternoon, your Honor.

12 THE COURT: Good afternoon.

13 That's your client sitting next to you, is that
14 right?

15 MR. EPSTEIN: Yes, he is.

16 THE COURT: All right. So we're here for a
17 change of plea. So, Mr. Rendon-Reyes, my name's Vera
18 Scanlon. I'm a magistrate judge here. So first I'm
19 going to start with some questions for the government and
20 then come back to you.

21 So first, are there any victims of the offense
22 and if so has the government fulfilled its obligation to
23 notify them of the today's hearing and their right to
24 attend and be heard?

25 MS. MERKL: Yes, your Honor. The government

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1 has made such notifications. The victims in this case
2 anticipate participating at the time of sentencing as to
3 certain of the defendants, but did not choose to
4 participate in the plea proceedings.

5 THE COURT: Okay. All right.

6 Mr. Rendon-Reyes, I'm going to ask my deputy,
7 Ms. Quinlan, to administer an oath to you.

8 S A U L R E N D O N - R E Y E S, called as a witness,
9 having been first duly sworn testifies as follows:

10 THE COURT: All right. First, I want to make
11 sure that we all have the same paper. I have a copy of
12 the superseding indictment in this case, a copy of the
13 plea agreement, which has been marked as number 7,
14 Government's Exhibit 7. We're also attaching to that
15 copy a copy of a signature page from the certified court
16 interpreter; we'll go over that in some more detail. I
17 have a copy of a consent to proceed before me today,
18 which we'll review in a minute and I also have a copy of
19 the government statement of the statutes and essential
20 elements.

21 Does everybody have the same papers?

22 MR. EPSTEIN: Yes, your Honor.

23 MS. MERKL: Yes.

24 THE COURT: Okay. All right. So, Mr. Rendon-
25 Reyes, as you may know, this case has been assigned to a

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1 district judge, Judge Korman. Judge Korman is the judge
2 who will make the ultimate decision as to whether to
3 accept your guilty plea and if he does to sentence you.
4 So you have the absolute right to have the district judge
5 listen to your plea without any prejudice to you.

6 Do you understand?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: All right. So we're preparing a
9 recording of today's proceeding. And a transcript of
10 that recording will be prepared by a court reporter and
11 provided to the district judge. Judge Korman will review
12 the transcript of today's proceeding in connection with
13 deciding whether to accept your plea and if he does, with
14 your sentence.

15 Do you wish to give up your right to have Judge
16 Korman listen to your plea and instead proceed here
17 before me today?

18 So there's -- let me explain. There's two
19 different kinds of judges --

20 THE DEFENDANT: Could it be he or --

21 THE COURT: Yes. You have a choice, you could
22 do it before the district judge, Judge Korman, or you
23 could do it before me.

24 MR. EPSTEIN: Your Honor, explain to my client
25 that Judge Korman will still be the sentencing judge.

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1 That the waiver is limited to the entry of the plea.

2 THE COURT: Okay. So you have options. You
3 can wait and have Judge Korman hear your plea or you can
4 do it here before me today, and then Judge Korman will
5 read the transcript of today's proceeding and then Judge
6 Korman will decide if he accepts your plea or rejects the
7 plea. And if he accepts your plea, he'll decide what
8 your sentence is. So it's totally up to you.

9 THE DEFENDANT: Well, then you take it, yes.
10 You go ahead and take it.

11 THE COURT: Okay. So in connection with your
12 waiver of your right to have Judge Korman listen to your
13 plea and instead proceed before me, I have this form.
14 I'm going to hold up my copy. It's a consent form.

15 Was this read to you in Spanish?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. And do you understand
18 what it says?

19 THE DEFENDANT: Yes.

20 THE COURT: And did you have enough time to
21 talk to your lawyer about it?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. All right. On this form are
24 some signatures, I'm going to ask you about the first
25 one; is that your signature? I'm holding up my copy.

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1 MR. EPSTEIN: Your Honor, it's hard to tell --

2 THE COURT: Here, we're going to pass it over
3 to you.

4 So the first question is, the first signature,
5 the one closest to the top, is that Mr. Rendon-Reyes
6 signature?

7 THE DEFENDANT: This one here, yes.

8 THE COURT: Okay. So you have to tell me, is
9 it the first one, the top signature?

10 THE DEFENDANT: Yes, the first.

11 THE COURT: Okay. And then Mr. Epstein, is
12 your signature right below?

13 MR. EPSTEIN: Yes.

14 THE COURT: And then for the government, is --
15 I'm not sure if it's Ms. Lee or Ms. Merkl, I didn't look.

16 MS. MERKL: It's my signature, your Honor.
17 Ms. Merkl.

18 THE COURT: All right. Thanks.

19 All right. Mr. Rendon-Reyes, do you give your
20 consent to proceed before me as to your plea, instead of
21 before Judge Korman, voluntarily and of your own free
22 will?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Has anyone made any threats or
25 promises to you to get you to proceed here before me

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1 today?

2 THE DEFENDANT: No.

3 THE COURT: All right. As we go through
4 today's process, I'm going to have to ask you a number
5 of questions in order to assure myself and,
6 in turn, Judge Korman, that your plea is, in fact, a
7 valid plea. So as we go along, if you don't understand
8 what I say or my questions, you can either speak to your
9 lawyer about that or ask me and I'll try to clarify what
10 I said.

11 So do you understand that you have the right to
12 be represented by an attorney at trial and at every other
13 stage of these criminal proceedings, including this one?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that if you can't
16 afford a lawyer the court may appoint one for you?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Mr. Epstein, are you appointed
19 counsel?

20 MR. EPSTEIN: Yes.

21 THE COURT: So, Mr. Rendon-Reyes, if at any
22 point you would like to speak with Mr. Epstein, please
23 let me know and I'll let you do so. Do you understand?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right. I'm going to remind you

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1 that you took an oath to tell the truth. So this means
2 for you, if at any time you answer my questions falsely,
3 your answers may later be used against you in a separate
4 prosecution for the crime of perjury or of making a false
5 statement. Do you understand?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: We're going to start with some
8 background questions.

9 What is your full name?

10 THE DEFENDANT: Saul Rendon-Reyes.

11 THE COURT: And how old are you?

12 THE DEFENDANT: Thirty-eight.

13 THE COURT: What's the highest level of
14 education that you have completed in school?

15 THE DEFENDANT: First grade in elementary
16 school.

17 THE COURT: So how old were you when you
18 finished school?

19 THE DEFENDANT: About six or seven years old.

20 THE COURT: And since you were six or seven
21 years old, have you had any formal education?

22 THE DEFENDANT: No.

23 THE COURT: And where did you go to school?

24 THE DEFENDANT: In the Benito Juarez School, in
25 the state of Tlaxcala.

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1 THE COURT: That's in Mexico?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. A different kind of
4 question.

5 Are you presently or have you recently been
6 under the care of a doctor?

7 THE DEFENDANT: No.

8 THE COURT: Are you presently or have you
9 recently been under the care of any mental health
10 professional, such as a psychiatrist, psychologist or
11 social worker?

12 THE DEFENDANT: No.

13 THE COURT: Have you been hospitalized or
14 treated for any mental illness?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: Have you ever been hospitalized or
17 treated for an addiction to drugs or alcohol?

18 THE DEFENDANT: No.

19 THE COURT: In the past 24 hours have you
20 consumed any narcotics?

21 THE DEFENDANT: No.

22 THE COURT: In the past 24 hours have you
23 consumed any alcohol?

24 THE DEFENDANT: No.

25 THE COURT: In the past 24 hours have you taken

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1 any medications?

2 THE DEFENDANT: Aspirin.

3 THE COURT: All right. And when did you take
4 that?

5 THE DEFENDANT: That was the day before
6 yesterday, in the evening.

7 THE COURT: Okay. And since you took that
8 aspirin, have you taken any more medications?

9 THE DEFENDANT: No.

10 THE COURT: Okay. Is your mind clear as you
11 sit here today?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand these
14 proceedings?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Okay.

17 I'm going to ask your lawyer some questions.

18 Mr. Epstein, have you discussed this matter
19 with your client?

20 MR. EPSTEIN: Yes.

21 THE COURT: And have you had any difficulty
22 communicating with your client?

23 MR. EPSTEIN: No.

24 THE COURT: And when you've spoken with your
25 client, have you used the assistance of a Spanish

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1 language interpreter?

2 MR. EPSTEIN: Most of the time, yes.

3 THE COURT: All right. Do you speak Spanish?

4 MR. EPSTEIN: Some, yes.

5 THE COURT: Okay. All right.

6 Was there any language barrier at any of your
7 communications or attempts at communication with your
8 client?

9 MR. EPSTEIN: No, your Honor. In the critical
10 proceedings in which we discussed the plea, the plea
11 agreement, the indictment and his participation in that,
12 I always made sure to review everything in Spanish with
13 an interpreter.

14 THE COURT: All right. In your opinion, is
15 Mr. Rendon-Reyes capable of understanding the nature of
16 these proceedings?

17 MR. EPSTEIN: Yes.

18 THE COURT: In your opinion, does he
19 understand the rights he'll be waiving if he goes ahead
20 with his guilty plea?

21 MR. EPSTEIN: Yes.

22 THE COURT: Do you have any doubt as to Mr.
23 Rendon-Reyes competence to plead at this time?

24 MR. EPSTEIN: No.

25 THE COURT: Have you advised him of the

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1 possible sentencing consequences?

2 MR. EPSTEIN: Yes.

3 THE COURT: And have you specifically discussed
4 with him the mandatory minimum?

5 MR. EPSTEIN: Yes.

6 THE COURT: And have you discussed with him the
7 sentencing guidelines?

8 MR. EPSTEIN: Yes.

9 THE COURT: And do you believe he understands
10 -- understood what you were telling him?

11 MR. EPSTEIN: Yes.

12 THE COURT: All right. Mr. Rendon-Reyes, have
13 you had a sufficient opportunity to discuss this case
14 with your attorney?

15 THE DEFENDANT: Yes.

16 THE COURT: And have you had the assistance of
17 a Spanish language interpreter in most of your
18 discussions with your attorney?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: And have you had any language
21 difficulties communicating with your attorney?

22 THE DEFENDANT: No.

23 THE COURT: Are you fully satisfied with the
24 representation and legal advice given to you in your case
25 by your attorney?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. Did you receive a copy
3 of the document called the "superseding indictment?" I'm
4 going to hold up my copy. This thick document.

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. Was it translated for you
7 from English to Spanish?

8 THE DEFENDANT: Frankly, no.

9 MR. EPSTEIN: We summarized it for him, your
10 Honor. We summarized the relevant counts.

11 THE COURT: Okay, when he says --

12 MR. EPSTEIN: The interpreter summarized the
13 relevant counts. They didn't read every -- he's -- he's
14 not charged in every count, your Honor.

15 THE COURT: Okay, so with regard to any of the
16 aspects of the superseding indictment that apply to Mr.
17 Rendon-Reyes, were those translated?

18 MR. EPSTEIN: Yes.

19 THE COURT: Okay. All right.

20 So, Mr. Rendon-Reyes, was -- were the counts
21 that relate to you in the superseding indictment
22 translated for you from English to Spanish?

23 THE DEFENDANT: Spoken, yes.

24 THE COURT: Spoken, yes.

25 It's not whether you received a written copy

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1 but whether it was read to you in Spanish.

2 THE DEFENDANT: Oh, yes.

3 MR. EPSTEIN: I think that's where the
4 misunderstanding is, your Honor. I think my client
5 understood translation as a written translation.
6 Interpretation he understood as an oral.

7 THE COURT: All right. So, Mr. Rendon-Reyes,
8 were the counts that relate to you in the superseding
9 indictment read to you in Spanish?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. And specifically, were
12 Counts 1 and 9 of the indictment read to you in Spanish?

13 THE DEFENDANT: Yes.

14 THE COURT: And were the racketeering acts that
15 relate to you, particularly Racketeering Act 4(a) in
16 Count 9, and Racketeering Act in 9(a) in Count 19 read to
17 you in Spanish?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. All right.

20 Did you review Counts 1 and 9 with your
21 attorney?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. And did you review
24 those racketeering acts, 4 (a) and 9(a) with your
25 attorney?

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1 THE DEFENDANT: Yes.

2 MR. EPSTEIN: I was present when the
3 interpreter interpreted the documents.

4 THE COURT: Okay. All right.

5 So I'm trying to ask a slightly different
6 question, which is, Mr. Rendon-Reyes, did you have an
7 opportunity to discuss these particular counts in the
8 indictment, 1, 9 and 19, as well as Racketeering Acts
9 4(a) and 9(a) with your attorney?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. All right.

12 Now counsel, do you want me to read the
13 indictment or the particular counts to your client?

14 MR. EPSTEIN: No.

15 THE DEFENDANT: No.

16 THE COURT: Okay. All right.

17 Now we're going to switch gears, Mr. Rendon-
18 Reyes, and I'm going to tell you a bit about your rights
19 in this criminal proceeding.

20 So the first and most important thing you
21 should understand is that you don't have to plead guilty,
22 even if you are guilty. Under the American legal system,
23 the prosecution or the government has the burden of
24 proving a defendant's guilt beyond a reasonable doubt.
25 And if the government failed in that and cannot or do not

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1 meet this burden of proof, the jury, at a trial, have the
2 duty to find the defendant not guilty, even if the
3 defendant is guilty. Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: So for you, you have a choice.
6 It's up to you to decide what to do in your case. No one
7 else's choice but yours. You can withdraw your
8 previously entered plea of not guilty, and plead guilty,
9 as I'm told you wish to do, or you could go to trial
10 simply by persisting in your plea of not guilty.

11 Do you understand?

12 THE DEFENDANT: Yes.

13 THE COURT: So you should know that it has
14 sometimes happened in American courtrooms, including in
15 this courthouse, that a jury has returned a verdict of
16 not guilty, although everyone else in the courtroom
17 believed the defendant to be guilty. What the jury was
18 saying in that case, was not that the defendant wasn't
19 guilty, but rather the government or the prosecution had
20 failed to meet its burden of proving the defendant's
21 guilt beyond a reasonable doubt. Do you understand that?

22 THE DEFENDANT: Yes, I understand.

23 THE COURT: So it's up to you, even if you are
24 guilty, you have a choice. You can exercise your right
25 in that regard by saying "not guilty" when I ask you how

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1 you plead. If you continue to plead not guilty, under
2 the Constitution and Laws of the United States of
3 America, you are entitled to a speedy and public trial by
4 a jury, with the assistance of a lawyer, on the charges
5 contained in the indictment, which has been filed with
6 the court. The indictment is that document that we just
7 discussed earlier that sets forth the government's
8 charges against you and your co-defendants. Do you
9 understand?

10 THE DEFENDANT: Yes, I understand.

11 THE COURT: At your trial, you would be
12 presumed innocent, you would not have to prove your
13 innocence; it would be the government's burden to
14 overcome the presumption of innocence and prove you
15 guilty by competent evidence and beyond a reasonable
16 doubt. If the government failed to carry its burden, the
17 jury would have the obligation and the duty to find you
18 not guilty. Do you understand?

19 THE DEFENDANT: Yes, I understand.

20 THE COURT: By pleading guilty you're giving up
21 the right to have the government satisfy its burden of
22 proving you guilty beyond a reasonable doubt. Instead,
23 you are admitting your guilt. Do you understand that?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Were you to go to trial in your

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1 case, the government -- sorry, witnesses for the
2 government would have to come to court and testify in
3 your presence. Your lawyer would have the right to
4 cross-examine the witnesses for the government, to object
5 to the evidence offered by the government, and to offer
6 witnesses and other evidence on your behalf. Do you
7 understand?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Your attorney would also have the
10 right to subpoena or to compel witnesses to come to court
11 and testify. Do you understand that?

12 THE DEFENDANT: Yes, I understand.

13 THE COURT: If you plead guilty, and I
14 recommend that the district judge accept your plea and
15 that's what he does, you are giving up these rights. You
16 are giving up your right to confront the witnesses who'd
17 testify against you, you're giving up your right to offer
18 evidence on your own behalf, to compel witnesses to come
19 to court and testify, and to raise any defenses that you
20 might have in this case. Do you understand?

21 THE DEFENDANT: Yes, I understand.

22 THE COURT: Were there to be a trial in your
23 case, you would have the right to testify on your own
24 behalf, if you chose to do so, but you could not be
25 required to testify. Under the Constitution of the

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1 United States, a defendant in a criminal case cannot be
2 forced to take the witness stand at his trial, and say
3 anything that could be used against him to show he's
4 guilty of the crime or crimes with which he is charged.
5 So if you decided that you didn't want to testify at your
6 own trial, the judge would instruct the jurors that they
7 couldn't hold that fact against you. This is called
8 "your right against self-incrimination." Do you
9 understand this right?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: If you decide to plead guilty, you
12 are going to admit your guilt, and give up this right.
13 You give up your right against self-incrimination.

14 I'm going to have to ask you questions about
15 what you did in order to satisfy myself and in turn,
16 Judge Korman, that you are, in fact, guilty of the
17 charges to which you are pleading guilty. You're going
18 to have to answer my questions truthfully and acknowledge
19 your guilt. And I'll remind you that you're going to be
20 answering those questions subject to the oath to answer
21 my questions truthfully. Do you understand that?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: So it's not going to be enough for
24 you simply to say that you're guilty; you are going to
25 have to tell me what it is that you did, such, that you

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1 are guilty of the particular charges to which you are
2 pleading guilty.

3 If you decide to go ahead with your guilty
4 plea, and I recommend to the district judge that he
5 accept your plea, and that's what he does, you are giving
6 up your constitutional right to a trial, and all of the
7 other rights I just discussed. There will be no trial in
8 your case. If the judge accepts your plea, he will
9 simply enter a judgement of guilty on the basis of your
10 guilty plea. Do you understand?

11 THE DEFENDANT: Yes, I understand.

12 THE COURT: All right. Usually, if after you
13 are sentenced, you or your attorney thinks the court has
14 not properly followed the law in sentencing you, you can
15 appeal your sentence to an appellate court or to a higher
16 court. By pleading guilty, you will not, except under
17 very limited circumstances, be able to challenge the
18 judgement of conviction directly by appeal or indirectly
19 by a collateral attack.

20 All right. I've described briefly your
21 appellate rights but I'm going to draw your attention to
22 your plea agreement, which is marked as Government
23 Exhibit 7, where there is a limitation on your appellate
24 rights. I'm just looking for that provision.

25 In paragraph 4, on page 6 of the plea agreement

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1 includes the following. "The defendant," that's you,
2 "agrees not to file an appeal or otherwise challenge by
3 petition, pursuant to a particular federal statute called
4 28 United States Code, Section 2255 or any other
5 provision, the conviction or sentence in the event that
6 the court imposes a term of imprisonment of 235 months or
7 below."

8 Do you understand that limitation on your
9 appellate rights?

10 THE DEFENDANT: The last part I didn't get, no.

11 THE COURT: All right. I'm going to ask your
12 lawyer to explain it and I'll go over it again.

13 All right. So you've had an opportunity to
14 speak with your lawyer about this provision. So what I
15 had described was your appellate rights in an usual
16 situation, which is, if you or your lawyer disagree with
17 your sentence, you can go to an appellate court. A court
18 that reviews the decision of this court, and make those
19 arguments. But in your case, in your agreement with the
20 government, you've agreed to limit those rights to
21 appeal.

22 I'm going to paraphrase it, but it's in
23 paragraph 4. You agree that you're not going to appeal
24 or otherwise challenge your sentence or your conviction
25 if the judge sentences you to a term of imprisonment of

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1 235 months or below.

2 So do you understand -- first, do you
3 understand your appellate rights in this regard?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Do you understand the
6 limitation on those rights that you're agreeing to in the
7 plea agreement?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: All right. And did you have enough
10 time to talk to your lawyer about that limitation?

11 THE DEFENDANT: Yes.

12 THE COURT: All right.

13 So are you willing to give up your right to a
14 trial and all of the other rights that I've just
15 discussed?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: All right. Now we're going to talk
18 about the plea agreement in some more detail.

19 Let me ask counsel, were all formal plea offers
20 by the government conveyed to Mr. Rendon-Reyes?

21 MR. EPSTEIN: Yes.

22 THE COURT: So as I said earlier, the plea
23 agreement is marked as Government Exhibit 7; on the last
24 page, page 12, in the middle of the page, it says, "I
25 have read the entire agreement and discussed it with my

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1 attorney. I understand all of it's terms and I'm
2 entering into it knowingly and voluntarily."

3 So, Mr. Rendon-Reyes, is that a true statement?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: All right. I'm going to hold up my
6 copy of the plea agreement and point to the signature
7 right below the paragraph that I just read. Can you see
8 it from where you are?

9 No? All right. Ms. Quinlan, can you show him.

10 So the first question's going to be when Ms.
11 Quinlan brings it over to you is, right below the
12 paragraph that I read and right above where it says Saul
13 Rendon-Reyes, is that your signature, Mr. Rendon-Reyes?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Okay. And then counsel, is that
16 your signature right below?

17 MR. EPSTEIN: Yes.

18 THE COURT: And then actually we didn't bring
19 it over here. Sorry, that's my fault. I didn't --
20 there's the last page which just has, what I believe is
21 the translator's signature, but counsel, can you confirm
22 that that's the translator's signature?

23 MR. EPSTEIN: Yes.

24 THE COURT: Okay. All right. And then for the
25 government, there's two signatures there, can you just --

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1 MS. MERKL: Yes, your Honor. Margaret Lee
2 signed above her name and I, Taryn Merkl signed above my
3 name. Thank you.

4 THE COURT: All right. Thank you.

5 All right. So, Mr. Rendon-Reyes, was this
6 agreement, which is now marked as Government Exhibit 7,
7 was it translated for you from English to Spanish?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. And did you review your plea
10 agreement with your attorney?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. And in doing so, did you
13 have the assistance of a Spanish language interpreter?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Do you understand all of terms of
16 the plea agreement?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Does the plea agreement,
19 Government's Exhibit 7, accurately represent the entire
20 understanding or agreement that you have come to with the
21 government?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Has anyone made any promise or
24 assurance to you that's not included in this plea
25 agreement, Government Exhibit 7, to persuade you to

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1 accept it?

2 THE DEFENDANT: No.

3 THE COURT: Has anyone threatened you in any
4 way to persuade you to accept the plea agreement?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: All right.

7 Counsel, did you read and review with your
8 client the written plea agreement before the court which
9 is Government Exhibit 7?

10 MR. EPSTEIN: Yes.

11 THE COURT: And in doing so did you have the
12 assistance of a Spanish language interpreter?

13 MR. EPSTEIN: Yes.

14 THE COURT: And does Government Exhibit 7
15 reflect your understanding of the entire agreement that
16 your client has entered into with the government?

17 MR. EPSTEIN: Yes.

18 THE COURT: Okay. All right.

19 Mr. Rendon-Reyes, do you understand that if you
20 fail to comply with your agreement with the government,
21 the government will be released from its obligations, but
22 you will not be released from your guilty plea?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Okay.

25 All right. We're going to go over the

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1 sentencing scheme applicable in your case. This is
2 outlined in paragraph 1 of the plea agreement.

3 So what's being proposed is that you're going
4 to plead guilty to Counts 1 and 9 of the superseding
5 indictment, and that at the plea, when we get to that
6 stage of today's proceeding, you're going to admit to
7 certain racketeering acts, racketeering act 4(a) and
8 Count 9 as to Jane Doe Number 2, and sex trafficking of
9 Jane Doe Number 7, which is alleged in Racketeering Act
10 9(a) and Count 19 of the superseding indictment. These
11 counts carry the following statutory penalties.

12 For Count 1, the maximum term of imprisonment
13 is life, the minimum term of imprisonment is zero years.
14 There's something called supervised release, which is, if
15 and when you're released from prison, you could be
16 subject to supervised release by the probation
17 department.

18 On supervised release, there may be many
19 restrictions placed on your liberty, including travel
20 limitations, and requirements that you report to a
21 probation officer.

22 As to Count 1, the maximum supervised release
23 term is five years, it would come after any term of
24 imprisonment. If you violated a condition of supervised
25 release, you could then be sentenced for up to five years

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1 and you would not receive credit for pre-release
2 imprisonment or time previously served on post-release
3 supervision. Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: The maximum fine in your case is
6 the greater of \$250,000 or twice the gross gain or twice
7 the gross loss. Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Restitution is mandatory in the
10 full amount of each victim's losses as determined by the
11 court. And you have to be charged \$100 special
12 assessment. Do you understand those provisions?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: All right. Let me ask the
15 government.

16 Was Mr. Rendon-Reyes extradited to the United
17 States?

18 MS. MERKL: No Judge, he was arrested in the
19 United States.

20 THE COURT: Okay.

21 All right. So other possible statutory
22 penalties for Count 1 include the following.

23 Your removal from the United States. So this
24 is a provision that includes significant immigration
25 consequences. These are outlined in paragraph 8 of the

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1 plea agreement. I'm going to look at paragraph 8 and go
2 over it.

3 All right. So pleading guilty to the proposed
4 counts may have serious immigration consequences as to
5 your immigration status in the United States, if you are
6 not a United States citizen. Under federal law, many
7 crimes are what are called "removable offenses,"
8 including those to which is proposed that you are going
9 to plead guilty.

10 In fact, the racketeering involving sex
11 trafficking and interstate prostitution which are counts
12 to which it's proposed you're going to plead guilty, your
13 removal from the United States is presumptively
14 mandatory. Removal and other immigration consequences
15 are the subject of a separate proceeding, not a
16 proceeding in this court. So no one here, not the
17 government's lawyers, not your lawyer, not the court can
18 tell you with certainty the effect of your conviction on
19 your immigration status in the United States.

20 And it's possible that any immigration
21 consequences would become effective after you've served a
22 term of imprisonment in the United States.

23 Paragraph 8 says "that you nevertheless affirm
24 that you want to go ahead with your guilty plea
25 regardless of any immigration consequences that may

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1 result from your plea, even if the consequence is your
2 automatic removal from the United States."

3 So is that last statement correct, that you'd
4 like to go ahead with your plea, despite the immigration
5 consequences that are likely to arise because of your
6 guilty plea?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: All right. Other possible
9 sentencing consequences include, sex offender
10 registration, pursuant to the "Sex Offender Registration
11 Notification Act," which is included in a particular
12 federal statute or set of statutes, 42 United States Code
13 Section 16901 and the sections following thereafter.

14 That's described in paragraph 11 of your plea
15 agreement. Did -- was paragraph 11 translated for you
16 from English to Spanish?

17 MR. EPSTEIN: Yes, we translated the entire
18 agreement.

19 THE COURT: Okay. So this is -- was the
20 paragraph, Mr. Rendon-Reyes, was the paragraph about sex
21 offender registration and notification act translated for
22 you from English to Spanish?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Do you understand this
25 provision of your plea agreement?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And did you have a sufficient
3 opportunity to review it with your attorney?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Another possible sentencing is
6 criminal forfeiture which is described in paragraph 6 and
7 of your plea agreement.

8 All right. Did you review paragraphs 6 and 7
9 with your attorney?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: All right. And were those
12 paragraphs translated for you from English to Spanish?

13 THE DEFENDANT: Yes.

14 THE COURT: And do you understand those
15 paragraphs?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: All right. I'm just going to note,
18 paragraph 6 includes a handwritten amendment which says,
19 "the defendant represents that he will disclose all of
20 his assets within 30 days to the United States on a
21 financial statement entitled, Department of Justice
22 Financial Statement, hereinafter the "financial
23 statement," a copy of which will be attached hereto as
24 Exhibit A."

25 So I read it with the amendments. I'm holding

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1 up my copy, if you can see it from there, or can you see
2 it from where you're sitting?

3 THE DEFENDANT: No, it's okay. It's all right.

4 THE COURT: Are those your initials?

5 THE DEFENDANT: Yes, your Honor

6 THE COURT: Counsel, did you initial and for
7 the government, Ms. Lee?

8 MS. LEE: I did your Honor.

9 THE COURT: Okay.

10 All right. So, Mr. Rendon-Reyes, do you
11 understand the possible sentencing consequences of Count
12 1?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: All right. Do you understand that
15 parole has been abolished in the federal system? So that
16 if you are sentenced to a prison term, you will not be
17 released on parole, and you'll be required to spend the
18 entire period of that term in prison?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Okay.

21 All right. Also outlined in the first
22 paragraph of your plea agreement are the possible
23 sentencing consequences of Count 9. The maximum term of
24 imprisonment of -- for Count 9 is life. And the minimum
25 term of imprisonment is 15 years. Do you understand

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1 those provisions?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: All right.

4 So you understand the judge has to sentence you
5 to at least 15 years? Do you understand that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: All right. Did you have a
8 sufficient opportunity to review that provision with your
9 attorney?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: All right. Additional possible
12 sentencing consequences on Count 9 include the following.
13 A minimum supervised release term of five years. A
14 maximum supervised release term of life, which would
15 follow any term of imprisonment. If a condition of
16 supervised release is violated, you may be sentenced for
17 up to life without credit for pre-release imprisonment or
18 time previously served on post-released supervision.
19 Additionally, if you commit any criminal offense, under
20 particular federal law, which are Chapter 109(a), 110 or
21 117, or 18 United States Code, Sections 1201 or 1591 for
22 which the -- for which a term longer than one year can be
23 imposed. You shall be sentenced to not less than five
24 years and up to the maximum term of imprisonment for the
25 offense which is set forth in paragraph 1(a), which is

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1 life imprisonment.

2 All right. So do you understand the supervised
3 release provision?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Additionally, the maximum fine of
6 greater than \$250,000 or twice the gross gain or twice
7 the gross loss can be imposed. Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Restitution is mandatory in the
10 full amount of each victim's losses as determined by the
11 court. And you have to be charged \$100 special
12 assessment. Do you understand that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Other penalties include, removal
15 from the United States, which is described in paragraph 8
16 and which I just went over. Do you understand the
17 removal possibility?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand because of the
20 offenses to which it's proposed that you're going to
21 plead guilty, that your removal from the United States is
22 presumptively mandatory?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: All right. Additional possible
25 sentencing consequences also include sex offender

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1 registration, which is also, as I said earlier described
2 in paragraph 11. Do you understand the sex offender and
3 notification provisions of your plea agreement?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: And there's a criminal forfeiture
6 provision which is described in paragraph 6 and 7. We
7 went over those earlier. Do you understand the criminal
8 forfeiture provision?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Okay. All right. So did you have
11 a sufficient opportunity to review with your attorney the
12 possible sentencing consequences with regard to Count 1
13 and Count 9 of the superseding indictment?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And I ask you this again but I want
16 to make sure, do you understand that Count 9 carries a
17 minimum term of imprisonment of 15 years?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: All right. Additionally, the
20 sentence imposed on each count may run consecutively, or
21 one after the other. Do you understand that?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: All right. Let me tell you a
24 little bit about the sentencing process.

25 The sentencing judge, who in your case is going

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1 to be Judge Korman, does not have complete discretion to
2 impose a sentence outside of the statutory minimum and
3 maximum sentences that are set forth in the statute. Do
4 you understand?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: As a first step in a sentencing
7 process, the judge has to consider the advisory
8 sentencing guidelines, which have been issued by the
9 United States Sentencing Commission to help the judge
10 decide what's a reasonable sentence in your case. As a
11 second step, the judge must consider whether there are
12 any factors present that would allow the judge to depart
13 from these advisory sentencing guidelines. The judge can
14 depart upwardly or downwardly. Additionally, the judge
15 has to consider factors that are set forth in a
16 particular federal statute, 18 United States Code,
17 Section 3553a, against all the facts and circumstances of
18 your case. It might be that the judge decides to impose
19 a non-guideline sentence.

20 The bottom line for you is, until the date of
21 sentencing, when the judge has read the transcript of
22 today's proceeding and gets a pre-sentence report about
23 you and hears from you, your lawyer, and the government's
24 lawyers, you cannot know with certainty what sentencing
25 guidelines will be for your case or whether there will be

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1 grounds to depart from them or whether the judge will
2 impose what's called a "non-guideline sentence."

3 All right. And I also want to make clear, even
4 though we're talking about the sentencing guidelines so
5 far, and I'm going to ask the lawyers to talk a little
6 more about it, the second count to which it's proposed
7 you're going to plead guilty, Count 9, includes that
8 mandatory minimum provision of 15 years. Do you
9 understand?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: All right. Despite the fact that
12 the lawyers may not have the right estimate for various
13 reasons, they could make a mistake or the facts might be
14 different than what they know or the facts might change
15 between now and the time of sentence, I'm going to ask
16 them what they believe the sentencing guidelines are
17 likely to be in your case based on the facts available to
18 them now.

19 So let me start with Ms. Lee on behalf of the
20 government. And I should say, these are outlines,
21 correct, in paragraph 2 of the plea agreement, right?

22 MS. LEE: That's correct, your Honor.

23 As outlined in the plea agreement, the
24 government estimates a total offense level of 38, with a
25 3 point reduction for acceptance of responsibility. The

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1 adjusted offense level will be a 35, which carries a
2 range of imprisonment of 168 to 210 months, assuming that
3 the defendant falls within a criminal history Category 1.
4 In light of the 15 year mandatory minimum, the effective
5 guidelines range would be 180 to 210 months. And I just
6 also note for the record, that this calculation
7 incorporates a 2 point reduction for a global disposition
8 which is contingent on all of the defendants that are set
9 forth in the plea agreement, pleading guilty by today,
10 April 20th. As the court is aware, we have one more
11 scheduled today, and one got adjourned until tomorrow.
12 Assuming that that plea goes forward tomorrow, April
13 21st, it's the government's position that that is
14 consistent with the agreement, even though it's one day
15 after the date set forth in the agreement.

16 THE COURT: Okay. All right, Mr. Rendon-Reyes,
17 do you understand what the government's lawyer just said?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: All right. And I know I keep going
20 back to this point but it's a very important point.

21 Even though the sentencing guidelines
22 calculation that the government provided has a range of
23 168 to 210 months, because of the mandatory minimum, the
24 effective guideline range has to start at 180 months. Do
25 you understand that?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: All right. Let me ask counsel,
3 what's your view of what the sentencing guidelines are
4 likely to be in this case?

5 MR. EPSTEIN: Same as the government's, your
6 Honor. It's what's incorporated in the plea agreement,
7 you know, it -- the calculations are 168 to 210 months,
8 given the mandatory minimum, the effective guidelines are
9 180 to 210 months, assuming that Mr. Rendon-Reyes has a
10 criminal history Category 1, and on the basis of my
11 investigation, he falls into that category.

12 THE COURT: Okay. Do you believe Mr. Rendon-
13 Reyes understands the sentencing guidelines operation in
14 his case?

15 MR. EPSTEIN: Yes.

16 THE COURT: And do you believe he understands
17 the mandatory minimum in his case?

18 MR. EPSTEIN: Very well, your Honor.

19 THE COURT: Okay.

20 All right. So, Mr. Rendon-Reyes, do you
21 understand that the estimates provided to you are not
22 binding on the government, probation or the court?

23 THE DEFENDANT: Yes, I understand, yes.

24 THE COURT: Do you understand that if they're
25 estimate is wrong you will not be permitted to withdraw

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1 your plea of guilty on that basis?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that your
4 ultimate sentence could turn out to be different from any
5 estimate your attorney or the government's attorney may
6 have given you?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Do you understand that it could
9 turn out that because of other statutory sentencing
10 factors, Judge Korman may impose a sentence that's even
11 higher than the one called for by the advisory sentencing
12 guidelines?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: And if that turned out to be the
15 case, you would not be permitted to withdraw your guilty
16 plea, simply because no one could tell you in advance
17 what your sentence would be?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: All right. So far today, we've
20 discussed the plea guilty agreement globally and then
21 certain paragraphs in particular. But let me ask, has
22 the entire agreement been read to you in Spanish?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And do you understand the entire
25 agreement?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And have you had a sufficient
3 opportunity to review the entire agreement which is
4 marked as Government Exhibit 7 with your attorney?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: All right. And do you want to go
7 ahead with your plea agreement with the government?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: All right. And I asked you this
10 before but I want to make sure the agreements under both
11 counts, it's -- it provides that you will be subject to
12 -- likely to be subject to the automatic removal from the
13 United States if you go ahead with the plea. Do you
14 still want to go ahead with the plea despite that
15 consequence?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. Let me ask you a couple
18 of other things. Let me tell you a few other things
19 first.

20 What's being proposed is you're going to plead
21 guilty to a felony. And if your plea is accepted and
22 you're adjudged guilty of a felony, to the extent you
23 have certain rights in the United States, your
24 adjudication as guilty of those felonies may result in
25 your deprivation of those civil rights. Do you

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1 understand that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: All right. I've gone over with you
4 many of the possible consequences to you if your plea of
5 guilty is accepted. Do you understand all of these
6 possible consequences?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Did you review them with your
9 attorney?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And did you have a sufficient
12 opportunity to consult with your attorney about them?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: All right. I'm going to switch and
15 ask your lawyer some questions. For the government, is
16 the government prepared to prove at trial all of the
17 elements of the counts against Mr. Rendon-Reyes?

18 MS. LEE: Yes, your Honor.

19 THE COURT: And those elements are set forth in
20 the statutes and element sheet that you provided to me
21 and to defense counsel, is that correct?

22 MS. LEE: That's correct.

23 THE COURT: And what evidence would the
24 government offer at trial to prove the defendant's guilt?

25 MS. LEE: Through witness testimony, including

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1 but not limited to the testimony of many of the victims
2 set forth in the superseding indictment, border crossing
3 records, money remitter records, wire tap records, and
4 other documentary records, the government would establish
5 that in or about and between December 2004 and November
6 2015, in Queens, New York and elsewhere, the Rendon-
7 Reyes trafficking organization was a criminal
8 organization that operated in Queens, Atlanta, Alabama,
9 Mexico and other locations throughout the United States.

10 Members and associates of the Rendon-Reyes
11 trafficking organization engaged in various forms of
12 criminal activity, including but not limited to; sex
13 trafficking of women and minor girls, prostitution, alien
14 smuggling, alien harboring and money laundering. That
15 this enterprise trafficked women from Mexico into the
16 United States and throughout the country, for the purpose
17 of prostitution and for their financial gain. That the
18 defendant was a member of the Rendon-Reyes trafficking
19 organization, and that among other things, he committed
20 racketeering acts 4(a), and 9(a) of the indictment, which
21 are the sex trafficking of Jane Doe number 2 and number
22 7; and specifically with respect to those racketeering
23 acts, the government would prove that in or about and
24 between January 2006 and April 2007, the defendant, using
25 force, fraud and coercion, caused Jane Doe number 2 to be

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1 brought from Mexico to the United States for the purposes
2 of prostitution. And that in or about November 2007 and
3 December 2008, the defendant knew that force, fraud and
4 coercion had been used to cause Jane Doe Number 7 to be
5 brought from Mexico to the United States for the purposes
6 of prostitution and that he did facilitate and direct
7 some of her prostitution work in the United States.

8 THE COURT: All right. Counsel, do you agree
9 that the government would be able to prove Mr. Rendon-
10 Reyes guilt at trial based on the evidence just described
11 by the government?

12 MR. EPSTEIN: Yes.

13 THE COURT: Do you know of any reason why
14 Mr. Rendon-Reyes should not plead guilty?

15 MR. EPSTEIN: No.

16 THE COURT: Are you aware of any viable legal
17 defense to the charges against him?

18 MR. EPSTEIN: No.

19 THE COURT: In your professional opinion, is
20 this plea in your client's best interest?

21 MR. EPSTEIN: Yes.

22 THE COURT: All right.

23 Mr. Rendon-Reyes, are you ready to plead at
24 this time?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you need an opportunity to
2 consult with your attorney before you plea?

3 THE DEFENDANT: No.

4 THE COURT: Okay.

5 With regard to Count 1 of the superseding
6 indictment, how do you plead, "guilty" or "not guilty?"

7 THE DEFENDANT: Yes, I'm guilty.

8 THE COURT: With regard to Count 9 of the
9 superseding indictment, how do you plead, "guilty" or
10 "not guilty?"

11 THE DEFENDANT: Yes, I'm guilty.

12 THE COURT: All right. As I said to you
13 earlier, I have to ask you, what it is that you did, such
14 that you are, in fact, guilty of Counts 1 and Count 9.

15 So in your own words, please tell me what you
16 did.

17 THE DEFENDANT: I, Saul Rendon-Reyes, from
18 approximately March -- March of 2004 and June of 2014, I
19 was a member of an organization which in the indictment
20 is known as the Rendon-Reyes Organization of sex
21 trafficking.

22 I participated in the organization on the basis
23 of an agreement with others of the organization that I
24 would transport undocumented -- I would smuggle
25 undocumented folks to the United States for purposes of

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1 prostitution.

2 I helped transport these women crossing state
3 lines so that the organization could profit from the work
4 of these women in Queens, New York and Alabama.

5 In particular, I influenced Jane Doe -- Jane
6 number 2 and Jane Doe number 3 to become prostitutes on
7 the basis of false promises. I convinced them to work as
8 prostitutes at times when they did not want to do so.

9 THE COURT: Okay. Can I ask you some -- is it
10 Jane Doe number 3 or Jane Doe number 7? I'm just --

11 THE DEFENDANT: Two and three.

12 MR. EPSTEIN: It was my mistake, your Honor.
13 It was 7. We went over the indictment together, Jane Doe
14 number 2 and 7.

15 THE COURT: Okay. Do you have a copy of the
16 indictment? You want to just look it over with your
17 client to make sure we're talking about the right person?

18 So, Mr. Rendon-Reyes, I would like to clarify
19 that we're talking about the right person. You called
20 that person number 3, the record I have refers to that
21 person as number 7. So why don't you just speak with
22 your lawyer about which person your speaking about.

23 MR. EPSTEIN: That was my mistake.

24 THE COURT: All right. I'm sorry, so let's
25 just go back. Mr. Rendon-Reyes spoke of Jane Doe number

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1 2 and Jane Doe number 3. Does he want to correct
2 something?

3 THE DEFENDANT: Number 7.

4 THE COURT: So instead of number 3, we're
5 talking about Jane Doe number 7, is that correct?

6 THE DEFENDANT: Number 7.

7 THE COURT: Okay. May I ask, earlier in the
8 allocution, you -- the translation was "folks," was when
9 you were talking about smuggling, you said smuggling, I
10 think it was smuggling folks. Was those the women in
11 prostitution?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Okay. All right. Just give me a
14 moment.

15 All right. Counsel, is there anything else
16 you'd like your client to add to the record?

17 MR. EPSTEIN: No.

18 THE COURT: For the government, is that a
19 sufficient allocution?

20 MS. LEE: It is, your Honor.

21 THE COURT: All right.

22 Mr. Rendon-Reyes, a few more questions for you.

23 Are you pleading guilty to these two counts
24 voluntarily and of your own free will?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: Has anyone threatened or forced you
2 to plead guilty?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: Other than the promises contained
5 in Government Exhibit 7 which is the written plea
6 agreement that you've entered into with the government,
7 has anyone made any other promises to you to induce you
8 plead guilty?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: Has anyone made any promise to you
11 as to what your final sentence will be?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: All right. Do you understand that
14 there's a mandatory minimum for one of the counts to
15 which you're pleading guilty?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Are you pleading guilty of your own
18 free will because, you are, in fact, guilty of Counts 1
19 and Count 9 of the superseding indictment?

20 THE DEFENDANT: Count 1 and Count 7?

21 THE COURT: Count 1 and Count 9.

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: All right.

24 Based on the information given to me here today
25 by counsel and by Mr. Rendon-Reyes, I believe he's fully

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1 competent, that he's capable of entering an informed
2 plea, that he's acting voluntarily, that he's aware of
3 the nature of the charges against him, that he
4 understands his rights and Mr. Rendon-Reyes understands
5 the consequences of his plea. I also believe there's a
6 factual basis for the plea supported by an independent
7 basis as to each of the elements of the offenses.

8 So I therefore recommend to district Judge
9 Korman that he accept the plea of guilty to Counts 1 and
10 Count 9 of the superseding indictment.

11 So, Mr. Rendon-Reyes, as earlier I mentioned,
12 that there would be a report prepared about you for Judge
13 Korman. I'm going to ask your attorney, would you like
14 to participate in the interview?

15 MR. EPSTEIN: Yes.

16 THE COURT: All right. We'll let probation
17 know that.

18 I assume that your client's going to continue
19 in custody, is that right?

20 MS. LEE: That's correct, your Honor.

21 THE COURT: There's no bail application, is
22 that right?

23 MR. EPSTEIN: No.

24 THE COURT: All right. Are there any medical
25 issues that need attention?

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1 MR. EPSTEIN: No, your Honor. My client has a
2 head cold now but I think that he'll adapt.

3 THE COURT: All right. Is there anything about
4 the cold that affected his ability to understand what's
5 going on here today?

6 MR. EPSTEIN: Not at all.

7 THE COURT: All right. I'm going to return to
8 the government, Government Exhibit 7, which is the
9 original plea agreement and just again note for the
10 record it has an additional page, which is the trans --
11 includes the translators signature.

12 All right. Is there anything else we should
13 cover here today?

14 MS. MERKL: No, Judge.

15 MR. EPSTEIN: No, your Honor.

16 THE COURT: All right. Thank you.

17 Feel better Mr. Rendon-Reyes.

18 (Matter concluded)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand
this 16th date of May, 2017.


Rosalie Lombardi
Transcription Plus II